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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,570	09/30/2003	Charles William Berthoud	Berthoud 23-6/075903-244	9974
29391	7590	12/01/2005	EXAMINER	
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,570	Applicant(s) BERTHOUD ET AL.	
	Examiner Quynh H. Nguyen	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

2. Applicant's amendment filed 9/8/05 has been entered. No claims amended. No claims have been cancelled. No claims have been added. Claims 1-13 are still pending in this application, with claims 1 and 10 being independent.

Claim Rejections - 35 USC § 102

3. Claims 1-2, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wierzbicki et al. (U.S. Patent 6,226,513).

As to claim 1, Wierzbicki et al. teach a method to enable and disable a first muting function (col. 1, lines 61-62 - *where Wierzbicki discussed activate the mute function* and col. 2, col. 5, lines 50-52 - *where Wierzbicki discussed deactivate the mute function*), to mute sound signal transmission between at least one telephone (Fig. 1A, 110) and another selected telephone (col. 1, line 64 - *where Wierzbicki discussed other parties*) during a multi-telephone conference call (col. 1, lines 61-67), said method comprising implementing a system in a central office (*mobile switching center*) servicing said at least one telephone (col. 1, line 67 through col. 2, line 3), which comprises establishing a keypad signal recognition system (col. 3, lines 58-62) wherein a specific

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keypad actuation during said telephone call instructs said central office to enable said first muting function (col. 4, lines 4-8) and wherein a second keypad actuation during said telephone call instructs said central office to disable said first muting function (col. 5, lines 50-54 - *where Wierzbicki does not specifically teach a second keypad for disabling the muting function. However, Applicant's specification, page 9, lines 2-4, wherein the Applicant stated that "The choice of which keypads to press to enable and disable the muting function is arbitrary. In fact, the same keypad can be used to sequentially enable and disable the muting function"*).

As to claim 2, Wierzbicki et al. teach said keypad actuation (Fig. 1A, *network mute button 113*) is implemented on said at least one telephone (Fig. 1A, 110).

As to claim 5, Wierzbicki et al. teach the keypad signal recognition system (col. 3, lines 58-62) is set such that only a keypad actuation on said at least one telephone during said telephone call enables said first muting function (col. 4, lines 4-8).

As to claim 7, Wierzbicki et al. teach the keypad signal recognition system is set such that only the keypad actuation on said at least one telephone during said telephone call disables said first muting function (col. 5, lines 50-54).

4. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradshaw, Jr. (U.S. Patent 6,236,854).

As to claim 10, Bradshaw teaches a telephone system central office-enabled muting service (col. 2, line 40 and lines 56-60 - *where Bradshaw discussed the controlling party can selectively enter into private conversations with anyone of the*

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subject parties by depressing the "Send" key caused the communication network to place other parties on hold, hence central office enabled muting service), comprising:

establishing a keypad recognition system that recognizes each of one or more keypad signals, or combination of keypad signals (col. 4, lines 51-59), from a telephone system user's telephone as a user-provided instruction to enable or disable one or more voice signal transmission and voice signal receipt muting features (col. 5, lines 48-53 - where Bradshaw discussed depressing of "1" and "Send" from the controlling party telephone keypad to instruct the communication network to place a second subject party CP2 on hold while the controlling party and a first subject party CP1 have a private conversation, and depressing of "Send" causes to return all parties to the conference, hence enable and disable voice signal transmission and voice signal receipt muting features);

providing one or more types of central office-enabled muting services to one or more users of said telephone system (col. 5, lines 48-53 - where Bradshaw discussed placing conferees on hold and return them all to the conference call, hence enable muting and disable muting), wherein each of said one or more types of services provides a specific set of muting options (col. 5, lines 48-51 - where Bradshaw discussed depression of "1" and "Send" to place a second subject party CP2 on hold while the controlling party and a first subject party CP1 have a private conversation, hence providing a set of muting option) to said one or more users (controlling party) thereof; and

for said user provided with one of said one or more types of central office-enabled muting services (col. 5, lines 48-51 - *where Bradshaw discussed placing other party on hold while having a private conversation, hence enables type of muting service*), providing ongoing actuation of muting options within said specific set based on receipt in said central office of said one or more keypad signals, or combination of keypad signals (col. 4, lines 34-67 - *where Bradshaw discussed depression of the "Send" key or a numeric number in conjunction with the "Send" key*), said signals, or combination of keypad signals, being user-provide instructions, to enable or disable one or more voice signal transmission and voice signal receipt muting features (col. 5, lines 48-53 - *where Bradshaw discussed depressing of "1" and "Send" from the controlling party telephone keypad to instruct the communication network to place a second subject party CP2 on hold while the controlling party and a first subject party CP1 have a private conversation, and depressing of "Send" causes to return all parties to the conference, hence enable and disable voice signal transmission and voice signal receipt muting features*).

As to claim 11, Bradshaw teaches a keypad recognition system includes signals, or combination of keypad signals (col. 4, lines 51-59), that provide for one or more conference call leaders (*controlling party*) in a telephone conference call to send instructions to said central office that actuated the enablement and disablement of a muting function (col. 5, lines 48-53) selected from a group consisting of: muting the sound transmission signals from one or more members of said conference call; muting the sound receipt signals from one or more members of said conference call; and

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muting the sound transmission signal and the sound receipt signal, at the same time, from one or more members of said conference call (col. 5, lines 48-51 - *where Bradshaw discussed placing a party on hold, hence muting the sound transmission signals, the sound receipt signals, and both*).

As to claim 12, Bradshaw teaches the user's telephone is a mobile telephone (Fig. 2, 108).

Claim Rejections - 35 USC § 103

5. Claims 3-4, 6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wierzbicki et al. (U.S. Patent 6,226,513) in view of Bradshaw, Jr. (U.S. Patent 6,236,854).

As to claim 3, Wierzbicki et al. do not teach the enabling of said muting function is by actuation of said sound signal transmission from said another selected telephone at said central office.

Bradshaw teaches the enabling of said muting function is by actuation of said sound signal transmission from said another selected telephone at said central office (col. 5, lines 48-50 - *where Bradshaw discussed a controlling party Cg Pty presses "1" and "Send" caused the communication network to place a second subject party CP2 on hold while having a private conversation with a first subject party CP1, hence enable muting function by actuation of sound signal transmission from another selected telephone CP2 at the communication network*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of enabling of the muting function is by actuation of the sound signal transmission from another selected telephone, as taught by Bradshaw, in Wierzbicki's system thus making the system more efficient by allowing the caller to selectively enabling the muting function or placing another selected telephone on hold, or into a private conversation with the caller, as taught by Bradshaw (col. 2, lines 26-32).

As to claim 4, Wierzbicki et al. do not teach the multi-telephone conference call includes a plurality of additional telephones that are connected in communication with at the least one telephone and the at least one telephone is enabled to mute the additional telephones.

Bradshaw teaches the multi-telephone conference call includes a plurality of additional telephones (col. 3, lines 48-59 - *where Bradshaw discussed the conference call includes a controlling party, a first, second, and third subject parties*) that are connected in communication with at the least one telephone and the at least one telephone is enabled to mute the additional telephones (col. 5, lines 48-50 - *where Bradshaw discussed a controlling party Cg Pty presses "1" and "Send" caused the communication network to place a second subject party CP2 on hold while having a private conversation with a first subject party CP1*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of enabling to mute the additional telephones in the multi-telephone conference call from at least one telephone, as taught

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by Bradshaw, in Wierzbicki's system thus making the system more efficient by allowing the caller to selectively enabling the muting function or placing another selected telephone on hold, or into a private conversation with the caller, as taught by Bradshaw (col. 2, lines 26-32).

As to claim 6, Wierzbicki et al. do not teach the keypad signal recognition system is set such that only a keypad actuation on said another selected telephone during said telephone call enables said first muting function.

Bradshaw teaches the keypad signal recognition system is set such that only a keypad actuation on said another selected telephone (*a second subject party CP2*) during said telephone call enables said first muting function (col. 5, lines 48-51 - *where Bradshaw discussed a controlling party Cg Pty presses "1" and "Send" caused the communication network to place a second subject party CP2 on hold while having a private conversation with a first subject party CP1, hence enable muting function by actuation of sound signal transmission from another selected telephone CP2*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of actuating a keypad on another selected telephone during said telephone call enables said first muting function, as taught by Bradshaw, in Wierzbicki's system thus making the system more efficient by allowing the caller to selectively enabling the muting function or placing another selected telephone on hold, or into a private conversation with the caller, as taught by Bradshaw (col. 2, lines 26-32).

As to claim 8, Wierzbicki et al. do not teach the keypad signal recognition system is set such that only a keypad actuation on said another selected telephone during said telephone call disables said first muting function.

Bradshaw teaches the keypad signal recognition system is set such that only a keypad actuation on said another selected telephone (*a second subject party CP2*) during said telephone call disables said first muting function (col. 5, lines 51-53 - *where Bradshaw discussed a controlling party Cg Pty presses "Send" caused the communication network to return all parties to the conference call, hence disables the muting function*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of actuating a keypad on another selected telephone during said telephone call disables said first muting function, as taught by Bradshaw, in Wierzbicki's system thus making the system more efficient by allowing the caller to selectively disabling the muting function and re-establishing the conference call, as taught by Bradshaw (col. 6, lines 5-7).

As to claim 9, Wierzbicki et al. do not teach another selected telephone is a mobile telephone.

Bradshaw teaches teach another selected telephone is a mobile telephone (Fig. 2, 104, 106, or 108).

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6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw, Jr. (U.S. Patent 6,236,854) in view of Yeh et al. (Pub. No: US 2004/0006595).

As to claim 13, Bradshaw teaches the pressing of a single keypad is programmed to enable muting of voice signal transmission (col. 5, lines 48-51 - *where Bradshaw discussed placing other party on hold while having a private conversation, hence enables muting of voice signal transmission*).

Bradshaw does not teach the pressing of a single keypad is programmed to enable muting of voice signal transmission and **increase amplitude of voice signal receipt**.

Yeh et al. teach the pressing of a single keypad is programmed to enable muting of voice signal transmission and **increase amplitude of voice signal receipt** (page 3, [0019], lines 29-37 - *where Yeh discussed when members 105 and 120 communicate in a private session, and hear the conference call where each conference volume can be adjusted to a preferred listening level, hence enable muting of voice signal transmission while in private session and increase amplitude of voice signal receipt*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of the pressing of a single keypad is programmed to enable muting of voice signal transmission and increase amplitude of voice signal receipt, as taught by Yeh, in Bradshaw's system thus making the system more efficient by allowing the caller to selectively enabling the muting function for some

private session and can still hear what is going on in the main conference, as discussed by Yeh (page 4, [001], lines 1-3).

Response to Arguments

7. Applicant's arguments filed 9/8/05 have been fully considered but they are not persuasive.

Applicant argues that Wierzbicki discloses "a wireless network mute feature implemented at a mobile switching center, presumably one of many such mobile switching centers, that for a periods of time happens to be nearest a wireless telephone that is sending a mute-related signal. This adds at least one level of complexity to the serial path for muting, and also spreads the system horizontally". This is irrelevant. Applicant further argues that "the muting operation at the MSC represents a function adding a step that is not taken at a Central Office". Examiner respectfully disagrees. Wierzbicki et al. teaches (col. 4, lines 4-8) that when the network mute button is activated. Processor 210 extends a network mute request to a serving mobile switching center via a base station, hence the muting operation is taken at a network level and not at a user terminal level.

Applicant argues that regarding claim 10, Bradshaw "does not appear to address how to include wired telephone participants". Examiner respectfully submits that this is not in the claim, and Bradshaw also teaches (col. 3, line 64 through col. 4, line 5) that one conference participant communicates with another conference participant by way of BS 110, MSC 120, PSTN 124.... Applicant further argues that Bradshaw does not

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teach providing ongoing actuation of muting options within the specific set based on receipt in the central office of said one or more keypad signals, or combination of keypad signals. Examiner respectfully disagrees. Bradshaw et al. teaches (col. 5, lines 48-51) that actuating of "1" and "Send" causes the communication network to place CP2 on hold while CgPty and CP1 have a private conversation, hence muting CP2 by actuating a keypad causing the network to mute CP2.

Applicant argues that Yeh et al. reference is directed to a multiparty conferencing across the Internet, which does not employ a telephone system central office. Examiner respectfully disagrees. The central office muting is taught by the primary reference Bradshaw. Examiner cited Yeh to fill in the missing feature or "pressing of a single keypad is programmed to enable muting of voice signal transmission and increase amplitude of voice signal receipt". Both references are in conferencing environment, hence they are combinable.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

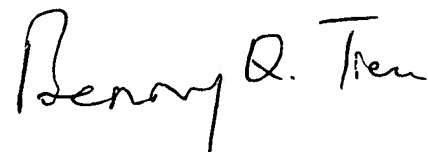
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quynh H. Nguyen

November 23, 2005



BENNY TIEU
PRIMARY EXAMINER